

1 Friday, 21 June, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section.

15 For the Defense Section, same as before.

16 - - -

17
18 (English to Japanese and Japanese
19 to English interpretation was made by
20 TSUCHIYA, Jun and SHIMADA, Masakazu,
21 Akira Itami acting as Monitor.)
22
23
24
25

G
o
l
d
b
e
r
g
&
Y
e
l
d
e
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and MATSUOKA who appear by their counsel.

5 Does any counsel desire to mention any
6 matter?

7 MR. JUSTICE MANSFIELD: If the Tribunal
8 please--

9 THE PRESIDENT: Mr. Justice Mansfield.

10 MR. JUSTICE MANSFIELD: Yesterday it was
11 suggested that a number of documents which had been
12 used by the prosecution had not been delivered to the
13 defense in conformity with the rules of this Tribunal.
14 An investigation was made, and it was found that doc-
15 ument No. 7113 in particular was delivered and signed
16 for by one of the executive officers of the defense
17 at 2:00 p.m. on the 17th of June. That is last Monday;
18 and all documents have, in fact, been delivered well
19 outside the twenty-four hour limit.

20 THE PRESIDENT: Mr. Mattice.

21 MR. MATTICE: At the suggestion of Mr.
22 Yamaoka, if the Tribunal please, I desire to call
23 attention to the request for changes in the reporter's
24 transcript of the record of the 14th of May which was
25 on the agenda for yesterday and seems not to have

1 been acted upon. The request is on file.

2 THE PRESIDENT: The request was not over-
3 looked. The items are being checked by my legal
4 secretary. The changes will be made as soon as he
5 reports that they are in order.

6 MR. BROOKS: If the Tribunal please, I
7 don't want to make an issue of the serving of these
8 papers. Now, our records show, and we are compiling
9 now, that some of the records have been served in
10 part. There are parts of them missing. Some of them
11 do not have the Japanese translations. In some in-
12 stances we have Japanese translations and do not
13 have the English; and in a number of cases we do
14 not have a complete number so that each attorney
15 or each defendant has at least one copy. Now that
16 is being prepared. I am not going to make an issue
17 on it because I think the proceeding of the Court
18 will be such that in the future this will be avoided
19 by an affidavit or certificate showing the time of
20 service. The papers in question -- there have been
21 some receipts given; and on checking the amounts that
22 were brought in in large armloads, it was found out
23 there was not complete coverage for all of the
24 accused.
25

 THE PRESIDENT: I am assured by Lord Patrick

1 that the defense here get much greater consideration
2 than they do in Germany where only two copies are
3 furnished for all of the accused.

4 MR. HAMMACK: Mr. Justice Mansfield, may it
5 please the Court, has gone up to obtain our records
6 to establish definitely that these documents were
7 served in time, before the time, in fact.

8 MR. BROOKS: If the Court please, two of the
9 affidavits served yesterday were obtained an hour
10 and a half before they were brought into the court.
11 They were obtained at eight o'clock. We have our
12 records to show that and will be glad to bring them
13 in if the prosecution wants to make a defense; but
14 in order to expedite things I am willing to go on
15 or bring the records of the defense in. We have
16 our records kept down there that show at eight o'clock
17 yesterday morning two of the documents were obtained.
18 Now, I don't know what was wrong. There was some-
19 thing wrong, and I have asked them to try to get
20 together and straighten this out; not fuss about it,
21 but try to straighten the thing out rather than
22 bring it up to the Court's attention and use the
23 Court's time up.

24 THE PRESIDENT: That can always be met by
25 standing the witness down until the twenty-four

SAKI

CROSS

1 hours elapse.

2 Yes, Mr. Donihi.

3 MR. DONIHI: Mr. President, as stated
4 yesterday for the prosecution, the prosecution have
5 no further direct examination of this witness to
6 offer and we were informed that the defense desire
7 to cross-examine further. We have obtained the
8 witness for them.

9 THE PRESIDENT: Dr. Kiyose.

10 - - -

11 A K I O S A K I, called as a witness on behalf of
12 the prosecution, resumed the stand and testified
13 as follows:

14 CROSS-EXAMINATION (Continued)

15 BY DR. KIYOSE:

16 Q Yesterday you replied to my last question
17 that the paper theater productions taught children
18 to be honest, to be kind, to study hard, and other
19 valuable lessons, and that the paper theater produc-
20 tion that has been submitted in evidence is only one
21 of these many productions. Is not the origin of the
22 paper theater production an attempt by peddlers of
23 candy to attract the curiosity of children?

24 A The motive was so in the early stage of that
25 vocation.

SAKI

CROSS

1 Q As there is nothing to compare with this in
2 America or England, I believe it would be useful to
3 the Court if you would explain just how it is done.
4 If there are no objections from the prosecution,
5 would you, actually using those cards, show how such
6 a production is given -- such a show, rather, is
7 given.

8 MR. DONIHI: No objection from the prosecu-
9 tion, may it please the Tribunal.

10 THE WITNESS: It is all right with me, too.

11 DR. KIYOSE: Then please begin.

12 MR. DONIHI: Mr. President, may I suggest
13 that the witness be permitted to read the text if he
14 is going to display with the cards, and that would
15 possibly prevent further delay and introduction of
16 the text at a later time.

17 THE PRESIDENT: The Tribunal has no objection.

18 THE WITNESS: It is all right with me, too.

19 MR. McMANUS: Mr. President, I would like
20 my objection noted on behalf of the defendant ARAKI.

21 THE PRESIDENT: Objection noted.

22 THE WITNESS: Then I shall begin from now
23 my explanation of the Kamishibai. There are, as the
24 counsel for the defense has pointed out, many kinds
25 of Kamishibai, and among them are some of a high

SAKI

CROSS

1 standard. This can be called one of the most simple
2 forms of theatrical productions. However, the
3 Kamishibai that I have here is a very bad example
4 and not a good example of these productions, and I
5 regret that there is no other at hand here; but since
6 this is the only one, I shall explain using this
7 particular text. There are two kinds of Kamishibai.
8 One, as was said before, is the kind that the peddler
9 uses when he is peddling candies. The other is the
10 kind that is here; that is, a set of printed cards
11 which teaches in schools and kindergartens-- That is
12 to say, amateurs use to show to their children or to
13 the public at large. Since this Kamishibai is
14 printed, it belongs to the second type. When these
15 Kamishibai are actually shown, depending on which kind
16 it is, there are two different methods.

17
18 The first kind are usually shown outside,
19 but the kind I have here are shown inside. Whatever
20 kind is used, when this is actually being shown, it
21 is shown in a wooden box or a sort of stage. The
22 audience is usually from fifty to one hundred. As
23 there is no stage here, I shall use my hands.

24 One other thing. the title page of this set
25 is missing, so I shall begin from the middle. What
I am going to do now is to read the text that is on

SAKI

CROSS

1 the back of each of these cards.

2 Then I shall begin.

3 (Whereupon, the witness read the
4 legend which appears on the back of each
5 of a set of cards referred to as prosecu-
6 tion's exhibit No. 145:)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SAKI

CROSS

A₁
b
r₂
a
m₃

"Japan and China are now beating, striking, and killing each other.

&₄M₅
o
r₆
s
e₇

"The people's movements in China were meant to build up a powerful national government and to recover the national power, but strong anti-British and anti-American movements were changed to anti-Japanese movements by the opposition of both Britain and America.

8

9

10

11

"Japanese and Chinese are close brothers. If one pushes the other off the mountain, the other will fall off the mountain together.

12

13

14

15

16

17

18

19

20

21

"Britain and the U.S.: 'It's all right. Thank you for your labor. Now the treasures in the Orient are ours. We got these without hesitation.' The treasures go to the third person as the result of a quarrel between brothers. As the third nations wanted, the treasures go somewhere if the quarrel between brothers goes too far. If the quarrel drags on, it is a loss of time. There are people who gain as much as they lose. Why has this foolish and sad situation come into existence?

22

23

24

25

"It was a terrible misunderstanding between Japan and China, who both had faults. China did not have the understanding of Japan's real history and nature. Japan despised her neighbor, China. Both had

SAKI

CROSS

1 faults to see in each other and the third nation
2 came into this gap. If they have misunderstanding,
3 they cannot be good friends. If the situation is
4 left as it is, a real peaceful and new oriental
5 neighborhood will not come, though Japan may win this
6 war. China is strong.

7 "The foreigners are surpsiging. The Chinese
8 are no longer the Chinese at the time of the Sinc-
9 Japanese war. They attacked the Japanese strongly
10 and Japan did not win so easily.

11 "Of course, the Japanese are stronger than
12 them. They pushed and pushed with the spirit of
13 Yamato and won everywhere. If Chinese attacked
14 Japanese more, Japanese would do more. But if this
15 strong China and Japan will take each other's hands
16 and cooperate and attack other enemy together, how
17 would it be! It is really unhappy, but what has hap-
18 pened in the past cannot be helped. Now is the time.
19 Let us be good friends. We have to teach them their
20 faults, but we, Japanese, too have to examine our-
21 selves and correct our faults.

22 'Well! We shall not have much trouble.' It
23 is not a joke. What can you do with such a lukewarm
24 decision? If you think the world is sweet and the
25 country will be prosperous, you are entirely mistaken.

SAKI

CROSS

1 Roosevelt: 'Ladies and gentlemen.'

2 "Roosevelt: 'Ladies and gentlemen: the
3 first line of America's national defense is in Chung-
4 king.' Roosevelt is still shouting. He is not only
5 shouting, but the United States and Britain are send-
6 ing many arms and materials to the Chungking govern-
7 ment. They have also made a loan of a hundred million
8 yen to China. They want to drink sweet wine out of
9 the result of Japan and China's fatigue. The real op-
10 ponent of the war is not China.

11 "The world is in surging waves. Great change!
12 Great upheaval! Now the world is in a turbulent age.
13 The axis powers, Japan, Germany, and Italy, who ad-
14 vocate new order are up against the countries that
15 want to maintain the status quo. A real world war
16 has begun.

17 "If Japan, who sails in this violent stream
18 mistakes one step, she will be swallowed up by the big
19 waves and will fall to a third or fourth rate nation
20 in the world. Her brilliant history of three thousand
21 years will lose its brightness. This is a very cri-
22 tical moment, but there is only one way to go. The
23 National government of China was recognized by Japan
24 and our national policy has been definitely decided.
25 Japan, Germany and Italy under the tripartite pact

SAKI

CROSS

1 will fight against the United States and Britain.

2 Our world policy has been decided too. Our ship is
3 sailing on the course we have decided.

4 "Our ship is going forward with our own power.
5 Don't rely on the others. The final thing is our
6 own power. Our real power will bring the result. A
7 powerless country will be pushed back. The present
8 is thus a time of severe war.

9 "At the fighting of Chuka-Mon during the cap-
10 ture of Nanking, a suicide squad, lead by Corporal
11 Ando, attacked the wall over twenty meters high, with
12 ladders only fourteen or fifteen meters in length.
13 How could they climb this high precipice with such
14 short ladders among showers of bullets!

15 "Oh! A flag of the rising sun on the wall.
16 How did they climb this high and steep wall! We do
17 not know how they did it, but anyway they got up
18 there. What made them do this? Their belief in ab-
19 solute victory is what made these human beings do
20 such a wonder.

21 "In spite of this fact, there are men who be-
22 lieve in groundless rumors and suspect that Japan has
23 become weak because of lack of things, which is a
24 matter of course in time of war. Is there any one who
25 still does not believe the words of our government and

SAKI

CROSS

1 authority, and listens to lies of the foreigners?
2 There is danger before your eyes. It is really dan-
3 gerous.

4 "Stretch your arms! Stand erectly on the
5 ground. Have self-confidence. People in the foreign
6 countries are waiting for the people in Japan to get
7 weaker and be in confusion, and to begin complaining.
8 Damn it!

9 "We shall not lose! We shall not be alarmed!
10 Japan is strong! We have power! (Look at the re-
11 sults at the outbreak of war between Japan and the
12 United States. Look at the brilliant result of the
13 Great Eastern War!) Recognize our real ability!

14 "Brace yourself up, have your mind set
15 under the rain of shells. Act, first of all. No
16 choice of yes or no. Go straight ahead with this
17 spirit and mind. The whole nation and the people
18 of a hundred million should be of one mind.

19 "Work with might and main to assist Imperial
20 movement without glancing aside. We are in the midst
21 of a war. Bombs are above your head. With this
22 spirit and our minds set, we must build up an un-
23 flinching Japan in strong unity. This is the only
24 way to live through the gravest crisis in the history
25 of Japan." With this, I conclude.

SAKI

CROSS

1 Q This particular production, this particular
2 set, was it not published after the beginning of the
3 China Incident?

4 A Yes, it was.

5 Q Many pictures have been shown, but the
6 general import of this -- is it not that China and
7 Japan should not fight but that the countries of
8 East Asia should join hands?

9 A Yes, that is what it said.

10 Q And, also, in order to accomplish this the
11 people of Japan should, not only on the battle front
12 but also on the home front, be as one, that is,
13 that a hundred million people should have but one mind.
14 Is that correct?

15 A Yes, that is said also.

16 Q Also, that this is a time of great difficulty,
17 and that this crisis cannot be surmounted by Japan's
18 power alone, and in order to show this America and
19 Britain were brought in, and Britain and America --
20 and there is no idea of teaching the children that
21 we must fight against America and Britain.

22 MONITOR: Correction: The task in front
23 of us is so grave that it is **seemingly impossible** for
24 Japan alone to surmount it.

25 MR. DONIHI: Mr. President, the prosecution

SAKI

CROSS

1 wishes to object to that question on the ground that
2 the document speaks for itself.

3 THE PRESIDENT: I think he should be allowed
4 to continue his cross-examination.

5 A Then I shall answer. In the first place,
6 Japan and China should shake hands, but this hand-
7 shaking -- but it says that this handshaking should
8 come after the government which was created by the
9 military power had been recognized.

10 MONITOR: Correction: Puppet government
11 instead of government.

12 A (Continuing) Answering the question as to
13 the United States and Britain, it says clearly that
14 the world is now divided into two parts and that
15 Japan should fight against the United States and
16 Britain.

17 Q Do you mean that this production urged
18 the children to consider Great Britain and America
19 as enemies or that, because they were -- because
20 they might become enemies it was necessary for the
21 nation to be united?

22 A It says that -- it says clearly that Japan
23 and China cannot be friends because of the fact that
24 the United States and Britain were meddling in China
25 and that, as the world is divided into two parts it

1 is necessary to fight against -- eventually to fight
2 against the United States and Britain to solve the
3 problem.

4 Q This question that the problem cannot be
5 solved unless we take recourse to war, do you not
6 rather mean that because this is a matter of such
7 great importance there may be -- we might be forced
8 to go to war and that, therefore, we must be prepared
9 for any eventuality and be of one mind?

10 A I feel that it is speaking of something
11 more than mere eventuality.

12 Q I do not understand the last part of your
13 answer.

14 A Do you mean by your question that the
15 sentence meant -- whether it meant that there is an
16 eventuality of war or that it would necessarily end
17 in a war?

18 Q Yes, I did.

19 A Although I admit that there is a certain
20 vagueness in the phraseology, it means as a whole --
21 I believe it means as a whole that a war is necessary
22 to solve the question.

23 Q In what part of the text can you find this?

24 A The conclusion is clearly given, because it
25 is said in the text that China should recognize the

SAKI

CROSS

1 government which had been made by the military
2 force, the strong military power of Japan, and that
3 the solution of the problem is delayed because of
4 the interference of Great Britain and the United
5 States into the affair, and that Japan should resort
6 to arms against the United States and Great Britain
7 to solve the problem.

8 THE PRESIDENT: This cross-examination should
9 cease now. The questions and the answers are simply
10 repetitive. In substance there is no difference
11 between them.

12 MR. DONIHI: Mr. President, if there is no
13 further cross-examination, the prosecution does not
14 desire to redirect.

15 MR. FUJII: I have a cross-examination to
16 make. I am FUJII, Goichiro, counsel for the defendant
17 HOSHINO, Naoki.

18 CROSS-EXAMINATION (Continued)

19 BY MR. FUJII:

20 A I ask the witness, is the Japan Kamishibai
21 Association a company, organized as a company or not?

22 A It is not just a company; it is an associ-
23 ation composed of many companies.

24 Q Is it an association composed of many
25 limited companies?

SAKI

CROSS

1 THE PRESIDENT: These questions are useless.
2 I refuse to allow them to continue.

3 MR. NARITOMI: I have a question to ask. I
4 am NARITOMI, Nobuo, counsel for the defendant
5 SHIRATORI.

6 CROSS-EXAMINATION (Continued)

7 BY MR. NARITOMI:

8 Q The final purpose of the production that you
9 have just shown, is it not to show that the Japanese
10 are still grudging something and that they must be
11 willing to give up their all? Is not that the final
12 conclusion of this production?

13 A Yes, that certainly is one of the great
14 objects.

15 Q Is not the object of this production to
16 cause the Japanese people to brace up and get rid of
17 their laziness?

18 A Yes, it certainly is.

19 Q And the object of this Kamishibai --
20 perhaps it is something does not exist in America
21 but only in Japan and was originally used as a means
22 of attracting children to peddlers of candies with
23 an audience of only a hundred or so -- the object of
24 **this** is not to incite war between America and Japan
25 but rather to teach the people to tighten their belts

SAKI

CROSS

1 more?

2 MONITOR: Correction: To be willing to give
3 more for the cause.

4 A It certainly is one of the greatest objects
5 of the production, as I said before, but the question
6 is how, by what method, it recommends the people to
7 make more efforts. And it clearly recommends, urges
8 the people to solve the China-Japanese program by
9 opposing Great Britain and the United States.

10 THE PRESIDENT: Mr. Donihi.

11 MONITOR: Correction please: As to the
12 method by which to make further efforts, it explains
13 it by telling the interference of Great Britain and
14 the United States in the China Affair and also by
15 explaining how the world is split into two parts by
16 Great Britain and the United States.

17 MR. DONIHI: If there is no further cross-
18 examination, the prosecution would like to call the
19 next witness, OGATA.

20 (Whereupon, the witness was
21 excused.)

22

23

24

25

OGATA

DIRECT

D
u
d
a
&
W
h
a
l
e
n

1 **MARSHAL OF THE COURT:** Mr. President, the
2 witness is in court and will now be sworn.

3 **TAKETORA OGATA**, called as a witness on
4 behalf of the prosecution, being first duly
5 sworn, testified as follows:

6 **DIRECT EXAMINATION**

7 **BY MR. DONIHI:**

8 Q Will you state your name to the Tribunal?

9 A OGATA, Taketora.

10 Q I hand you herewith a document bearing
11 your alleged signature. Will you examine that docu-
12 ment to determine whether you have seen it before?

13 A Yes, I have seen it before.

14 Q Is that your affidavit?

15 A Yes, it is.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 146 for identification.)

19 Q Have you read that affidavit?

20 A Yes, I have.

21 Q Are the facts contained therein true and
22 correct?

23 A There are a few places where the meaning is
24 not clear. But on the whole, it is correct.

25 Q Will you explain to the Tribunal, if you

OGATA

DIRECT

1 desire, where those two places can be found in this
2 affidavit, and explain clearly to the Court what you
3 mean?

4 A The fifth line of the first paragraph,
5 beginning with "immediately proceeding the Manchurian
6 Incident." **Here** in this affidavit it says that
7 material had to be properly approved by the Censor-
8 ship Section of the Police Bureau of the Home Minis-
9 try for newspapers immediately **preceding** the Man-
10 churian Incident.

11 But I wanted to say that this system was
12 already in effect from long before the Manchurian
13 Incident, and that after the Manchurian Incident cen-
14 sorship became particularly strict; and especially
15 after the National Mobilization Law was passed cen-
16 sorship became very complicated, and because of the
17 so-called -- a new system was set up by the Home
18 Ministry by which newspaper material was consored
19 before the type was set up.

20 THE MONITOR: Correction: Instead of "after
21 the National Mobilization Law was passed," it should
22 read, "after the National Mobilizati on Law was put
23 into effect."

24 Q Then, do I understand, Mr. OGATA, that the
25 two corrections which you have suggested are the

OGATA

DIRECT

1 striking out of the word "immediately" in the first
2 paragraph, leaving the balance of that paragraph;
3 and then changing the second paragraph of your affi-
4 davit to read that "censorship became strict -- so
5 strict that it was found necessary--" no, that is
6 not the part.

7 Will you explain again, please, what the
8 second correction was? I do not seem to find that
9 on this copy.

10 A Yes. Instead of saying "immediately pre-
11 ceding the Manchurian Incident," it should read,
12 "preceding -- that this system was in effect pre-
13 ceding the Manchurian Incident."

14 Q And then, the second correction you speak of
15 is that censorship became particularly noticeable after
16 the Mobilization Act was passed, rather than after
17 the Manchurian Incident; is that correct?

18 A Yes.

19 MR. BROOKS: If the Tribunal please, I
20 think that it is apparent that this is not this man's
21 affidavit; that it is a distortion of his ideas.
22 And I think that we have wasted more time with the
23 two or three short little thoughts they are trying
24 to put across here than it would have taken to exam-
25 ine the witness and cross-examine him and dismiss him

OGATA

DIRECT

1 from the stand. And it is going to confuse our
2 record.

3 I cannot follow these corrections, and I
4 believe on this man, especially, direct questioning
5 to these parts should be brought, and waive this
6 affidavit.

7 I object to it on the ground it is not his
8 affidavit at all. It is prosecution's affidavit and
9 his stamp on there, and the ideas expressed are not
10 the ideas of the man. They are distorted.

11 THE PRESIDENT: I am afraid, Colonel Warren,
12 that you have made confusion worse confounded by not
13 allowing Mr. Donihi to proceed to have the second
14 correction made. We have not reached that second
15 correction yet.

16 MR. WARREN: If the Tribunal please, in
17 order to get the record straight--

18 THE PRESIDENT: I want this matter cleared
19 up by Mr. Donihi before I hear any defense counsel.

20 MR. WARREN: Oh. I am sorry.

21 Q Mr. OGATA, the second correction that was
22 spoken of would be also in the first paragraph,
23 beginning with "Censorship became particularly notice-
24 able immediately preceding the Manchurian Incident,"
25 which you state should be corrected to say that

OGATA

DIRECT

1 "Censorship became particularly noticeable following
2 the National General Mobilization Law passage."

3 Is that correct?

4 A In my opinion, I believe it sufficient if
5 the word "immediately" is omitted.

6 THE PRESIDENT: Mr. Donihi, isn't there a
7 second correction you said had to be made? We have
8 heard about this first correction half a dozen times.

9 MR. DONIHI: Yes, your Honor. I understood
10 him to state originally there were two corrections.
11 Possibly I am in error; and I will ask that the affi-
12 davit be admitted subject to the corrections which
13 have been stated, or correction stated by the witness.

14 THE PRESIDENT: Admitted subject to all
15 corrections.

16 (Whereupon, prosecution's exhibit
17 No. 146 was received in evidence.)

18 THE PRESIDENT: We will recess now for
19 fifteen minutes.

20 (Whereupon, at 1045, a recess
21 was taken until 1100, after which the pro-
22 ceedings were resumed as follows, English
23 to Japanese and Japanese to English inter-
24 pretation being made by OKA, Takashi, and
25 TSUCHIYA, Jun, Akira Itami acting as Monitor.)

OGATA

DIRECT

W
o
l
f
&
S
p
r
a
t
t

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. WARREN: If the Tribunal please, may
4 I have the record show that the objections raised
5 before were by Captain Brooks and not by Colonel
6 Warren.

7 THE PRESIDENT: Yes, I apologize to you.

8 MR. WARREN: It is perfectly all right.

9 THE PRESIDENT: There is some resemblance,
10 of course.

11 Mr. Donihi.

12 MR. DONIHI: (Reading)

13
14 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
15 THE UNITED STATES OF AMERICA, et al.)
16 - AGAINST -) A F F I D A V I T
17 ARAKI, SADA0, et al.) ,

18 "I, OGATA, Taketora, do swear on my
19 conscience that the following is true:

20 "I was formerly Vice President of the Ashai
21 Shumbun Newspaper. I have been in the newspaper
22 business for 35 years. During all of the time that I
23 have been in the newspaper business, freedom of the
24 press in Japan has been limited by government censor-
25 ship. Censorship became particularly noticeable

OGATA

DIRECT

1 immediately preceding the Manchurian Incident.
2 After the Manchurian Incident, newspapers were
3 not permitted to write on military matters un-
4 less such material was properly approved by the
5 Censorship Section of the Police Bureau of the
6 Home Ministry. Immediately preceding the Man-
7 churian Incident all newspapers were required
8 to submit a copy of their papers to the Home
9 Ministry for censorship before such paper could
10 be released on the stands.

11 "In 1939 censorship became so strict
12 that it was found necessary to place a Censor-
13 ship Section within our own plant, for the
14 reason that so many press bans were coming in
15 from the Home Ministry. Upon numerous occasions
16 prior to December 1941 my newspaper received
17 telegrams from the various theaters of war
18 wherein the Japanese troops were fighting. Such
19 telegrams would instruct us as to how we should
20 treat specific military information."

21
22 Signed "OGATA, Taketora"
23
24
25

OGATA

CROSS

1 This affidavit has been marked exhibit No.
2 146.

3 The defense may cross-examine the witness.

4 THE PRESIDENT: Major Furness.

5 CROSS-EXAMINATION

6 BY MR. FURNESS:

7 Mr. OGATA, you have been questioned, as I under-
8 stand it, many times by the prosecution, is that cor-
9 rect?

10 A I have been questioned two times.

11 Q Have you ever been placed under arrest as
12 a suspected war criminal?

13 A Yes, I have.

14 Q Are you now under house arrest as a sus-
15 pected war criminal?

16 A Yes.

17 MR. FURNESS: That is all.

18 THE PRESIDENT: What is your name?

19 CAPTAIN KLEIMAN: Captain Kleiman, sir.

20 CROSS-EXAMINATION (Continued)

21 BY CAPTAIN KLEIMAN:

22 Q Were you President of the Information Bureau
23 under the KOISO Cabinet?

24 A Yes.

25 THE PRESIDENT: Captain Brooks.

NAKAI

DIRECT

1 MR. BROOKS: Mr. Brooks, may it please
2 your Honor.

3 The defense has no further questions.

4 THE PRESIDENT: Any re-examination?

5 MR. DONIHI: There will be no redirect
6 examination.

7 THE PRESIDENT: The witness may go.

8 (Whereupon, the witness was
9 excused.)

10 MR. DONIHI: The prosecution desires to
11 examine NAKAI as a witness.

12 MARSHAL OF THE COURT: Mr. President, the
13 witness is in court and will now be sworn.

14 - - -

15 K I M B E I N A K A I , called as a witness on
16 behalf of the prosecution, being first duly
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. DONIHI:

20 Q Will you state your name to the Tribunal,
21 please.

22 A NAKAI, Kimbei.

23 Q Mr. Kimbei, I hand you herewith a document
24 bearing what is alleged to be your signature. Will
25 you examine it and determine whether or not you

NAKAI

DIRECT

1 have seen this document before? Is this document
2 your affidavit, Mr. NAKAI?

3 A Yes, it is.

4 Q Before signing this affidavit did you read
5 it?

6 A Yes, I did read it.

7 Q Do you speak and read English?

8 A Yes, I do.

9 Q Are all the facts contained in this docu-
10 ment true and correct?

11 A Yes, they are.

12 MR. DONIHI: The prosecution, may it please
13 the Court, presents the affidavit of this witness
14 and asks that it be marked an exhibit of this man
15 for direct evidence.
16

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 147, for identification.)

20 THE PRESIDENT: Admitted.

21 (Whereupon, prosecution's ex-
22 hibit No. 147 was received in evidence.)

23 MR. SMITH: May it please your Honor, on
24 behalf of all the defendants, we would like to
25 object to the admission of that affidavit. There

NAKAI

DIRECT

1 was no opportunity to speak before your Honor just
2 ruled.

3 We point particularly to the second and
4 third paragraph: The words "Numerous propaganda
5 films were produced following the Manchurian Inci-
6 dent, which pictures were so made as to justify
7 Japan's position in Manchuria, and also to prepare
8 the Japanese people for further military aggres-
9 sion, --"

10 The witness had decided to form a conclusion
11 on the very matter this Court is called upon to de-
12 cide. I submit, your Honor, that it is grossly im-
13 proper to put evidence in the case in this form.

14 THE PRESIDENT: It does not amount to sway-
15 ing the issue, because it does not connect the par-
16 ticular accused with any charge.

17 MR. DONIHI: May I proceed with the reading?

18 THE PRESIDENT: You may proceed.

19 MR. DONIHI: (Reading)
20
21
22
23
24
25

NAKAI

DIRECT

1 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
2 THE UNITED STATES OF AMERICA, et al.)

3 - AGAINST -
4 ARAKI, SADA0, et al.

} A F F I D A V I T
}

5 "I, NAKAI, Kimbei, do swear on my conscience
6 that the following is true:

7 "I have been engaged in the moving picture
8 industry for ten years. At present I am working for
9 the Nippon Newsreel Corporation as a producer, in
10 which capacity I have served since prior to 1940.
11 During the ten years that I have been making moving
12 pictures, we have produced many propaganda films on
13 the orders of the Navy and War Ministries, as well
14 as the Bureau of Information. In 1939 I made a pic-
15 ture known as 'The Holy War'; depicting disorder,
16 poverty and unsettled conditions in China, and that
17 it was the Holy duty of Japan to rescue China from
18 such conditions.

19 "Numerous propaganda films were produced
20 following the Manchurian Incident, which pictures
21 were so made as to justify Japan's position in Man-
22 churia, and also to prepare the Japanese people for
23 further military aggression, glorifying the military
24 life, divine worship of the Emperor, depicting Japan-
25 ese culture and habits as being superior to all other

NAKAI

DIRECT

1 nations, and attempting to inculcate into the minds
2 of the young and old alike the belief that 'it was
3 Japan's divine mission to rule the Great Far East
4 and ultimately the world.' Two pictures typical of
5 this type of propaganda produced following the Man-
6 churian Incident are 'Glorious Japan' and 'The Crit-
7 ical Period of Japan.' These pictures were shown
8 throughout the schools of Japan as well as in the
9 theatres throughout Japan.

10 "Following the China Incident, film of a
11 propagandic nature was prevalent to the extent that
12 it was virtually impossible for the movie houses to
13 obtain Japanese productions that were not of an ultra-
14 nationalistic or militaristic nature.

15 "After the establishment of the Board of
16 Information in December 1940, American made films
17 were banned and the movie houses of Japan would show
18 nothing but Japanese productions based on militristic
19 subject matter. "
20

21
22 Signed NAKAI, Kimbei
23
24
25

NAKAI

CROSS

1 MR. DONIHI: The defense may examine the
2 witness.

3 THE PRESIDENT: Dr. KIYOSE.

4 CROSS EXAMINATION

5 BY DR. KIYOSE:

6 Q Towards the end of the second paragraph
7 of your affidavit you have used the words, "Pic-
8 tures were shown throughout the schools of Japan --"

9 By this do you mean that pictures were shown
10 in every single school in Japan?

11 A Those pictures were shown not in all
12 the schools, but in most of the schools.

13 Q Also, in the middle of the second paragraph
14 you have stated, "It was Japan's divine mission to
15 rule the Great Far East and ultimately the world."

16 The Japanese idea was to establish a culture
17 peculiar to the countries of East Asia, in East
18 Asia, and for the democratic countries to establish
19 their own democratic paradise in their own part of
20 the world, and for the two groups to live in mutual
21 prosperity.

22 If there is any special moving picture which
23 was made depicting that the purpose of Japan was to
24 rule all the world, can you tell me the name exactly
25 of that picture?

NAKAI .

CROSS

1 A A good example of it is a picture called,
2 "Japan in the Emergency Time," made by the Osaka
3 Mainichi Shimbun in June, 1933. If you listen to
4 the speech made by General Araki in that picture
5 you will understand it.

6 Q Did you say in 1933 -- in your affidavit
7 you have stated that many moving picture companies
8 made movies after the Manchurian Incident, but the
9 Osaka Mainichi is not a company established after
10 the Manchurian Incident?

11 A Many militaristic pictures, of a mili-
12 taristic nature, were made after the Manchurian
13 Incident, and I have that -- the name of the picture
14 that I mentioned before as an example of it, and if
15 you wish to know more -- have more examples, I can
16 read a certain number -- many names of the pictures
17 of the same kind.

18 Q No. My question was: You say "many moving
19 picture companies," but the Osaka Mainichi Shimbun
20 is not a moving picture production company. My
21 question was: Was the Osaka Mainichi a motion
22 picture production company, and you have not given
23 me an answer to that question.

24 A Osaka Mainichi is not a moving picture
25 company, but it is a newspaper company; however,

1 but it is true that the Osaka Mainichi produced
2 that picture under the direction of the War Ministry
3 at that time.

4 THE MONITOR: Correction: The present
5 section of the War Ministry.

6 Q No, that also is not an answer to my ques-
7 tion. I was asking you whether many moving picture
8 companies -- in your affidavit you have stated that
9 after the Manchurian Incident many moving pictures
10 were made attempting to show that it was Japan's
11 divine mission to rule the world. So, I am asking
12 you what picture was there made, by what company,
13 showing that such was Japan's mission?

14 A As I said before, "The Emergency in Japan,"
15 was a typical example of that sort of picture.

16 Q Very well then. Will you also give me the
17 names of other pictures depicting that Japan was to
18 rule the world?

19 A The picture which was made specifically to
20 show the purpose of Japan to rule over the world
21 is the one I mentioned before, and I can't remember
22 any others right at the present moment.

23 Q If there was only one movie, then your af-
24 fidavit stating that there were many moving pic-
25 tures made at that time is a falsehood, is it not?

NAKAI

CROSS

1 A I meant by it -- by that sentence that many
2 other pictures expounding Japan's ultra-nationalistic
3 or militaristic doctrines were made. I meant that
4 by that sentence.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3
C
l
l
e
r
g
&
f
e
l
i
e
n

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Thank you, I understand. Then the movie showing that Japan was to rule the world was this one, "Critical Period of Japan" by the Osaka Mainichi Shimbun, and the other movies were made for the purpose of showing what you stated in your previous answer?

A That is correct.

MR. SUGAWARA: I am defense counsel Sugawara.

CROSS-EXAMINATION (Continued)

BY MR. SUGAWARA:

Q You state in your affidavit in the third paragraph that: "Following the China Incident, film of a propagandic nature was prevalent to the extent that it was virtually impossible for the movie houses to obtain Japanese productions that were not of an ultra-nationalistic or militaristic nature." Is that statement correct?

A Among the pictures produced at that time among others, were pictures on cultural, humanistic, or love scenes. However, many militaristic pictures were produced.

Q Then you only mean to say that these films of a militaristic nature were produced in great number, and your statement that it was virtually impossible

NAKAI

CROSS

1 to obtain any other kind of movies was a mistake.
2 Do you admit this?

3 A I think it is right.

4 Q Previously, in answer to Dr. KIYOSE'S
5 question, you stated that in the moving picture
6 crisis of Japan the idea of Japan to dominate the
7 world was shown through a speech made by War Minister
8 ARAKI. Is this statement also correct? Is "Critical
9 Period of Japan" a silent picture or a "talkie"?

10 A It is a talking picture.

11 Q Then are its contents in the speech made by
12 War Minister ARAKI?

13 A Yes.

14 Q We have never heard General ARAKI say that
15 Japan was to rule the world, but from what special
16 words did you infer this?

17 A I am not stating my opinion here. I am only
18 referring to the words used by General ARAKI in that
19 picture so you will understand automatically by look-
20 ing at and listening to that picture.

21 THE MONITOR: Correction: Instead of
22 "General," the "then Lieutenant General ARAKI."

23 Q By seeing the picture or by hearing it?

24 A By both.

25 Q Then you mean to say it is not only through

NAKAI

CROSS

1 the speech but through what is actually shown on the
2 screen that these things are inferred?

3 A Yes.

4 Q Then although you cannot state specifically
5 what passage calls for Japan's world domination, you
6 say that the general import of the speech is of that
7 nature?

8 A Yes.

9 MR. SUGAWARA: With this I end my cross-
10 examination.

11 Mr. President, I desire that this movie be
12 shown and we believe that it will then become clear
13 that what this witness has said is without foundation.

14 MR. DONIHI: If the Court please, the movie
15 will be produced shortly.

16 THE PRESIDENT: What do you mean by "shortly"--
17 this morning?

18 MR. DONIHI: I did not understand your Honor's
19 last statement.

20 THE PRESIDENT: What do you mean by "shortly?"
21 That could be any time up to three days.

22 MR. DONIHI: We can show the picture this
23 afternoon if it is in keeping with the Court's wishes.

24 MR. SUGAWARA: I would like to address to
25 the President. I want to know whether the prosecution

NAKAI

CROSS

1 have seen the picture already or not. I am asking
2 if the counsel for the prosecution have seen the
3 picture that the witness spoke of.

4 MR. DONIHI: We have seen the picture, your
5 Honor.

6 THE PRESIDENT: What does it matter whether
7 you have or not? I suppose you have.

8 MR. SUGAWARA: Will you repeat your answer
9 once more? If you have seen it, can you point out
10 exactly what point in that moving picture brings out
11 the point raised by the witness?

12 MR. DONIHI: Your Honor, the picture will
13 speak for itself, and we will produce it this afternoon.

14 THE PRESIDENT: Well, the cross-examination
15 on the picture had better be reserved until it is
16 shown. That would be the most appropriate time at
17 which to have it.

18 MR. McMANUS: May I also at this time,
19 Mr. President, please reserve my motion to object
20 to the showing of the picture this afternoon until
21 the time it is about to be shown. I would like an
22 opportunity to--I should like an opportunity to dis-
23 cuss this matter with my co-counsel. We are having
24 a rather difficult time, neither one of us under-
25 standing each other; and I should like an opportunity

NAKAI

CROSS

1 to discuss with him whether or not we are going to
2 object to the picture or whether we suggest that it
3 should be shown as he has already done. Will your
4 Honor please reserve our rights so that we might
5 make such an objection if we feel as though it should
6 be made after we converse with each other this after-
7 noon?

8 THE PRESIDENT: I would not care to suggest
9 that the accused's counsel should waste any time on
10 that because this picture will be shown. The objec-
11 tions will be futile. The picture is almost a neces-
12 sary part of this man's evidence now. He has deposed
13 to the effect of these pictures, and they must be
14 shown. There is no ground for objection. Even
15 according to the strictest technical requirements in
16 a national court, these objections must fail if made.
17 The objection, if made, will be overruled. The
18 picture will be shown.

19 MR. McMANUS: If your Honor please, there
20 are some points that I might like to inquire about at
21 the time when the picture is to be produced, such as,
22 whether or not the sound and other points about the
23 picture are authentic, the possibility of whether or
24 not they may have been "doctored" -- as I might say.---
25 I would like to bring out all those points on

NAKAI

CROSS

cross-examination before this picture is shown.

1 THE PRESIDENT: The appropriate time is
2 after it is shown.

3 MR. DONIHI: Your Honor, I might--

4 THE PRESIDENT: And let me remind you once
5 again, we are not a jury. We can be trusted to see
6 these things.

7 MR. DONIHI: Mr. President, I might state
8 that the prosecution will produce the man who made
9 the picture, actually filmed it.

10 THE PRESIDENT: For cross-examination?

11 MR. DONIHI: (Nods head affirmatively.)

12 CAPTAIN KLEIMAN: May it please the Tribunal,
13 may it please your Honor--

14 THE PRESIDENT: Are you objecting to the
15 picture being shown, because it is wasting time.

16 CAPTAIN KLEIMAN: No, sir. I am Captain
17 Kleiman, sir. I will refer myself not to the picture.
18 I will pose just two questions, if I may, sir?

19 CROSS-EXAMINATION (Continued)

20 BY CAPTAIN KLEIMAN:

21 Q Mr. NAKAI, do you know how many American
22 films had been imported to this country for public
23 exhibition since the China Incident?

24 A Although I don't remember the exact number
25

NAKAI

CROSS

1 of the pictures imported in Japan because the Finance
2 Ministry enforced what they called the "exchange
3 control" since 1938; however, I think there must have
4 been approximately two hundred and fifty pictures
5 imported since that time.

6 Q Referring to your last paragraph, Mr. NAKAI,
7 on December 8, 1942, do you know how many American
8 film representatives were in Tokyo -- error, correction,
9 please -- 1941?

10 A Are you referring to American representatives
11 or Japanese representatives?

12 Q I am referring to American representatives
13 of American picture companies who were in Tokyo.

14 A There were seven picture companies, American
15 picture companies represented in Tokyo, but at the
16 time the war broke out there was no American repre-
17 sentative residing in Tokyo.

18 Q Did you know that one of these representa-
19 tives--

20 A I made a mistake. I remember now that there
21 was one Mr. Perkins.

22 Q Was there a Mr. Shathin?

23 A I have heard -- I feel I have heard that
24 name, but I don't remember having seen him at that
25 time.

NAKAI

CROSS

1 Q Was he not with Ambassador Grew at the
2 American Embassy after the declaration of war and
3 until Ambassador Grew returned to the United States?

4 A I don't remember that.

5 Q Did you know the Metro-Goldwyn-Mayer
6 representative in the Far East and who was stationed
7 in Tokyo?

8 THE PRESIDENT: The allegation in the affi-
9 davit is that American films were banned. That is
10 the allegation; you cross-examine on that. It
11 does not matter how many Americans were in Tokyo.
12 You do not meet that by getting the number.

13 CAPTAIN KLEIMAN: All right, your Honor.
14 No further cross-examination.

15 THE PRESIDENT: This is a convenient break.
16 I think the heat is very, very severe this morning.
17 We will recess now until twenty minutes after one.

18 (Whereupon, at 1150, a recess
19 was taken.)
20
21
22
23
24
25

AFTERNOON SESSION

1
M
o
r
s
e
4
&
5
A
b
r
a
m
8

The Tribunal met, pursuant to recess, at
1330.

(English to Japanese and Japanese to
English interpretation was made by IWAMOTO,
Mashito, and OKA, Takashi, Lanny Miyamoto
acting as Monitor.)

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Donihi.

MR. DONIHI: May it please the Tribunal, the
prosecution is prepared to show the film, "Critical
Period of Japan." Unfortunately during the lunch hour
we learned that the translation has not yet been
fully edited; however, the un-edited copies have been
distributed. We should like to have it admitted,
subject to withdrawal and correction if necessary.

THE PRESIDENT: Subject to correction. Why
withdrawal, Mr. Donihi?

MR. DONIHI: I meant withdrawal, may it
please the Court, of the copies which have not been
edited. Of course, the original will be lodged with
the Court. It is correct. The translation of the
original document is subject to correction. In other

1 words, may it please the President, the Japanese
2 copies which have been distributed are correct;
3 however, the English translation of that copy has
4 some errors within it.

5 THE PRESIDENT: Dr. KIYOSE.

6 DR. KIYOSE: Even in the Japanese text there
7 are grave errors.

8 MONITOR: Correction: even in the Japanese
9 text there are some typographical errors.

10 DR. KIYOSE: For instance, I believe that
11 the words "national regulation" and the "national
12 policy" are mistaken. I hope they will be corrected.
13 I would also like to mention that in the Japanese
14 text of the recent Kamishibai there is a page which is
15 absolutely unreadable.

16 THE PRESIDENT: It is useless to discuss
17 those matters here. We must rely implicitly on our
18 Language Section. No matter what discussion we have
19 here -- we might discuss this for a week -- we would
20 say "leave it to the Language Section," so we will
21 leave it to them now. We will not hear any more
22 about it.

23 DR. KIYOSE: Then, following the Presi-
24 dent's order, I shall confer with the Language
25 Section.

NAKAI

1 MR. DONIHI: May it please the Tribunal, I
2 might suggest at this time that the Japanese copy
3 has been taken directly from the sound track; that if
4 there are errors appearing in such copy, the counsel
5 will note them as they see the film. Until the sound
6 track is heard by Japanese counsel I see no way that
7 they could compare the Japanese copy of our text for
8 correctness.

9 The film will be shown at the pleasure of
10 the Tribunal.

11 THE PRESIDENT: You will proceed to show the
12 film.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit No.
15 148 for identification.)

16 MR. DONIHI: The English translation will
17 be heard on the headphones, may it please the Court.

18 MARSHAL OF THE COURT: Mr. President, the
19 English version will be read by Ensign Hornstein,
20 head of the Language Sub-section.

21 LANGUAGE SECTION CHIEF: The English version
22 as read will be as translated and as edited by the In-
23 ternational Prosecution Section.

24 MR. DONIHI: May I suggest, may it please the
25 Tribunal, that the additional lights be turned off

NAKAI

1 in the court room?

2 (Whereupon, the hereinbefore mentioned
3 moving picture was projected on a screen in the
4 court room, the English interpretation of the
5 Japanese sub-titles and the sound track being
6 read by the Language Section Chief.)

7 "Moving picture 'Critical Period of Japan.' Twelve
8 reels in all.

9 "As we consider that the above mentioned
10 moving picture contains many instructive matters for
11 the national education in this critical period, here-
12 with, we dare to recommend it to the public, on June
13 1st in the 8th year of Showa. (1933).

14 War Ministry to OSAKA MAINICHI Newspaper
15 Publishing Company.

16 "Critical Period of Japan. Twelve reels in
17 all.

18 "We, the undersigned, do offer these whole
19 reels to our ninety million fellow countrymen and
20 thirty million people in Manchukuo, who are directly
21 facing this critical situation.

22 OSAKA MAINICHI Newspaper Publishing
23 Company.
24 TOKYO NICHINICHI Newspaper Publishing
25 Company.
KIDO, MOTOSUKE, Chairman of Directors
Committee.

NAKAI

1 "Producer: OSAKA MAINICHI Newspaper Pub-
2 lishing Company.

3 "Production was carried out by:

4 "Colonel HONMA, in Press Section of War
5 Ministry.

6 "Lieutenant Colonel MAEDA, Secretary
7 attached to War Minister.

8 "KAGEYAMA, Lieutenant, Paymaster Corps.

9 "Army Infantry School.

10 "Army Cavalry School.

11 "The Fourth Division.

12 "Army Engineer School.

13 "The TOYAMA Military Band.

14 "General direction: MIZUNO, Shinko, Chief
15 of Moving Picture Section in OSAKA MAINICHI News-
16 paper Publishing Company.

17 "Supervisor: KINO, Toshio, President of all
18 Japan Educational Moving Picture Association.

19 "Cameramen: SATAKE, Mitsuo; SUMITA, Eusuke.

20 "Recorder of Sound: SAYATO, Tsuneo.

21 "Editors: KONDO, Iyokichi, KAITA, Seichi,
NAGATA, Eizo

22 "Japan and Japanese people have been facing
23 the serious situation ever since September 18th of
24 6 SHOWA, or 1931.

25 "So that we want to hear from his Excellency

NAKAI

1 ARAKI, War Minister, his impression pertaining to
2 the present situation and the resolution we must have
3 for the coming future.

4 "We will have simultaneous record in sound.

5 "I am Lieutenant General ARAKI, War Minister.
6 It is my great honor and pleasure to express my opinion
7 here in connection with the socalled 'Critical Period
8 of Japan' for all the fellow countrymen of the Empire.

9 "Ladies and gentlemen: It is said that Japan
10 is now in a critical period.

11 "It is a matter of common knowledge that
12 Japan is now facing to an unprecedented critical
13 situation, which we have never experienced since the
14 founding of our country.

15 "Observing the whole world situations with
16 our own eyes, we find there that the whole world is
17 watching with deep interest on the fact, how Japan
18 will meet the situation properly, and how she will
19 open her own way through this critical situation.

20 "But let us contemplate calmly on this cri-
21 tical period, after all is the meaning of the term
22 'the critical period of Japan' a question, that we
23 ought to endeavor to reflect our national life, to
24 reconstruct economical systems, and to improve the
25 peace time education and all other affairs?

NAKAI

1 "And, can we break down the critical situ-
2 ation at present by taking such measures in the foreign
3 policy as, that we ought to return back to the
4 autonomous diplomatic from the flattering one, that
5 we ought to defence the Japanese interests in foreign
6 lands, and that we ought to protect the life of our
7 fellow-countrymen overseas."

8 This ends the first reel of War Minister
9 ARAKI,

NAKAI

W
h
a
l
e
n
&
D
u
d
a

1 MR. BROOKS: If the Tribunal please, I have
2 noted that the sound effect on the reel is not being
3 utilized so that the Japanese counsel do not have any
4 method of checking the matter that is being said in
5 the picture with what is being said here. And the
6 English translation is considerably different than
7 the text which has been prepared and handed to us.

8 THE PRESIDENT: That is a very disappoint-
9 ing production as far as the pictures go.

10 MR. JUSTICE MANSFIELD: If the Tribunal
11 please, the Japanese translation has been coming
12 through on the microphone on the middle terminal
13 directly from the film.

14 THE PRESIDENT: Well, so far the whole show
15 is a dismal failure. It is not worth continuing.

16 MR. DONIHI: May it please the Court, this
17 of course is the first reel, which is preliminary.

18 The prosecution feels that this is a most
19 important piece of evidence and should be viewed by
20 the Tribunal. However, we did not intend to impose
21 this upon the Tribunal today. It was suggested by
22 defense counsel, and we have made an effort to place
23 at the disposal of such counsel and the Court the
24 film for showing today.

25 MR. JUSTICE MANSFIELD: Might I suggest, if

NAKAI

1 the Tribunal please, that the curtain be pulled over
2 that window. It will be much easier to see from the
3 bench, I am sure.

4 THE PRESIDENT: Well, I understand that at
5 least twenty-four hours is needed to put this picture
6 in order and then the best results are not promised.
7 It is only a waste of time looking at it this after-
8 noon. The only thing that was well done is the
9 translation by Ensign Hornstein, as far as we can
10 discover.

11 I suggest, Mr. Justice Mansfield, that this
12 be postponed until Monday; that we get on with the
13 evidence and depart from this.

14 MR. JUSTICE MANSFIELD: Well, if the Tribu-
15 nal please, the witnesses have been allowed to go.
16 There are no witnesses available, as we assumed this
17 would take the best part of an hour and a half this
18 afternoon.

19 The Tribunal will see that in the following
20 reels the propaganda becomes more intense.

21 THE PRESIDENT: The sound track is all
22 right.

23 MR. JUSTICE MANSFIELD: And the pictures,
24 themselves, show the propaganda also. This is merely
25 the preliminary reel.

NAKAI

1 THE PRESIDENT: I understand that some of
2 my colleagues did not get Ensign Hornstein's trans-
3 lation.

4 MR. JUSTICE MANSFIELD: Is your Honor refer-
5 ring to the written translation, or the verbal?

6 THE PRESIDENT: Well, whatever Ensign Horn-
7 stein said was not heard by some of my colleagues.
8 I heard it, but some did not. The left wing, here,
9 did not hear it. I am speaking literally, now.

10 MR. JUSTICE MANSFIELD: It was, in fact,
11 being read over the headphones. There was the Jap-
12 anese sound track on the middle terminal, and the
13 English translation on the left-hand terminal.

14 DR. KIYOSE: Mr. President, I have just
15 compared the Japanese version with the sound track,
16 but there are many parts which are very different.
17 I desire that the prosecution take notes of this
18 sound track, that the Language Section do so like-
19 wise, and that a date be set for the three to confer
20 and compare notes on this question.

21 THE PRESIDENT: I suggest that the rest of
22 the afternoon be devoted to a private screening for
23 the benefit of Dr. KIYOSE and others who could then
24 make the necessary corrections so that the pictures
25 could be presented on Monday to the Court.

NAKAI

1 MR. BROOKS: Defense counsel would very much
2 appreciate that, your Honor.

3 THE PRESIDENT: It would not be necessary
4 for the Members of the Court to remain here. They
5 could be more usefully employed elsewhere perhaps.

6 It is suggested to me the gallery should
7 be cleared while this matter is threshed out by
8 the prosecution and defense in the absence of the
9 Tribunal.

10 MR. JUSTICE MANSFIELD: As far as the prose-
11 cution is concerned, we are ready to show the pic-
12 ture with the translation which we have. If there are
13 any corrections to be made in the translation they
14 can be made after the picture has been seen.

15 THE PRESIDENT: You wish the Court to re-
16 main to view the pictures, Mr. Justice Mansfield?

17 MR. JUSTICE MANSFIELD: I think if we could
18 dispose of the picture this afternoon, it would save
19 a considerable amount of time. If we could have the
20 curtain drawn on that window back of the--

21 THE PRESIDENT: Well, if you assure us you
22 will get nothing better if we delay until there is
23 some revision, we will sit here and watch them. But
24 they are not very entertaining and they are not very
25 enlightening.

NAKAI

1 MR. JUSTICE MANSFIELD: Up to the present,
2 of course, the Tribunal has seen only one film, one
3 reel. As far as the prosecution is concerned, it
4 considers the subsequent film will be of consider-
5 ably greater interest. They are, at least, for the
6 prosecution, and we submit them for the consideration
7 of the Court.

8 MR. McMANUS: Mr. President, may I ask the
9 Court why this should not be considered similar to
10 an exhibit; and should we not also be entitled to
11 twenty-four hours notice on this picture?

12 MR. JUSTICE MANSFIELD: Unfortunately, we
13 have not thirty-six copies of the film, if the Tri-
14 bunal pleases.

15 MR. McMANUS: We could view it this after-
16 noon, if you would let us.

17 MR. DONIHI: If it please the Tribunal--

18 THE PRESIDENT: I think we are prepared to
19 sit here while another is presented; another reel, I
20 mean. There are eleven more, I understand.

21 MR. DONIHI: I wish to call to the Tribunal's
22 attention the fact that it was at the request of the
23 defense that the film was brought in this afternoon.
24 The prosecution has no desire to impose upon the
25 Tribunal an ordeal of sitting through a hot afternoon

NAKAI

1 of viewing a picture which it deems is not fully and
2 adequately prepared to be shown. We shall be very
3 glad to either show it on Monday or at any other con-
4 venient day for the Court. If the Court prefers to
5 see it this afternoon, we are prepared to let it be
6 shown.

7 THE PRESIDENT: We are prepared to sit here
8 no matter how hot it is as long as you assure us that
9 we will see something and hear something worthwhile.
10 So far we have not seen anything worthwhile. We have
11 heard a very able translation, that is about all.

12 MR. DONIHI: The prosecution considers this
13 to be a propaganda film of a vicious type and can
14 assure the Tribunal that we have viewed it previously
15 upon numerous occasions and have come to the conclu-
16 sion that it would be well worth the Tribunal's time
17 to see the film.

18 Unfortunately, as heretofore explained,
19 Mr. President, the translation is not in shape that
20 would be most satisfactory and possibly the full
21 import could not be gathered this afternoon.

22 THE PRESIDENT: Does the prosecution invite
23 us to remain here or to adjourn and see the picture
24 on, say, Monday morning?

25 MR. DONIHI: The prosecution believes that

MAKAI

1 it would be better to adjourn so that the court
2 officials might have an opportunity to prepare the
3 lighting to make a more satisfactory showing of the
4 picture on Monday morning.

5 MR. BROOKS: If the Tribunal please, we
6 would like to request the privilege, the defense
7 would like to request the privilege, of having a
8 preview of this picture and compare it with the
9 draft that we have of what is purported to be said
10 and see if it is correct, and make our corrections,
11 and have at least that small opportunity to consider
12 the picture and to get together as an organization
13 to decide--

14 THE PRESIDENT: Well, there should be a
15 private screening for your benefit.

16 MR. DONIHI: The prosecution is quite pre-
17 pared to arrange a private screening for the benefit
18 of defense and defense counsel this afternoon after
19 adjournment of Court.

20 THE PRESIDENT: Just a second. What we want
21 to be sure of is that the Japanese is correct, the
22 Japanese script, what comes off the sound track and
23 what has been distributed in Japanese, is correct.
24 The English is taken from that. If the Japanese is
25 incorrect, the English is. We want to make sure the

MAKAI

1 Japanese is correct.

2 LANGUAGE ARBITER (MAJOR MOORE): Mr. Presi-
3 dent, there has only been one reel of this film
4 shown. One of the monitors has listened to the
5 Japanese sound track and compared it with the Japan-
6 ese as written. There are a few errors, but I would
7 like to assure the Tribunal that they are not
8 material errors.

9 THE PRESIDENT: Sometimes materiality is a
10 question of opinion, you know. I think that we had
11 better adjourn while this private screening takes
12 place; and in the course of that you may be able to
13 straighten out anything that is wrong.

14 We will recess now until thirty minutes
15 past nine on Monday morning.

16 (Whereupon, at 1415, an adjournment
17 was taken until Monday, 24 June 1946, at
18 0930.)
19 -----
20
21
22
23
24
25